UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.494
13 April 1999

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Nineteenth session

SUMMARY RECORD OF THE 494th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 October 1998, at 3 p.m.

Chairperson: Miss MASON

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GE.98-18522 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Thailand (continued) (CRC/C/11/Add.13; HRI/CORE/1/Add.78; CRC/C/Q/THA/1; written replies by the Government of Thailand concerning the list of issues)

1. At the invitation of the Chairperson, the members of the delegation of Thailand took places at the Committee table.

2. Mrs. KASHEMSANTA (Thailand) said that four regional meetings had been held in Thailand, since its report had been drafted, at which the discussions had been very fruitful and some very useful suggestions and questions had been put forward. The main subjects of discussion had been the registration of births, schooling for the children of poor parents, the role of the family, the treatment of citizens belonging to minority groups and the translation of the Convention into local languages. The Convention was to be translated into a number of local languages during the following months, with the support of the United Nations Children's Fund (UNICEF), and a Braille version of the Convention had already been produced.

3. Mr. MUNTABHORN (Thailand) emphasized the value of the four public meetings that had been held during the year, prior to the finalization of the written replies to the list of issues, for both the participants and the local and national authorities.

4. In reply to the question on training, Mrs. KASHEMSANTA (Thailand) said that such activities were carried out by governmental, non-governmental and international organizations. Several programmes were supported by UNICEF and the International Programme on the Elimination of Child Labour (IPEC). Considerable effort had been devoted to increasing awareness of the issue of child labour. Journalists and law-enforcement personnel received training on the subject. Further awareness-raising activities had been carried out by the department responsible for community development and by non-governmental organizations (NGOs). Each year, a meeting on the rights of the child was held at the Parliament or seat of government in which some 500 children from all over the country took part. The National Youth Bureau had organized courses for people working with children and young people, and the Ministry of Education had carried out a survey among schoolchildren on the extent of their awareness of the rights of the child. A comparative study had been made of the Convention on the Rights of the Child and the Koran in order to promote those rights in Muslim circles.

5. Mrs. SUWANSATIT (Thailand) said that the information meetings held with the participation of UNICEF and NGOs for teachers and Ministry of Education officials were intended not only to familiarize them more fully with the rights of the child but also to demonstrate to them that they had the support of the national and provincial authorities in their activities for children, both within and outside the school context. The Ministry of Education took into account the comments made by teachers during such meetings. Thailand had over 600,000 teachers and some 16 million schoolchildren. The Thai

authorities relied on the schools as an institution to ensure that the rights of the child were implemented in that context and in sensitizing teachers, parents and pupils to children's rights in general.

6. All children had an equal right to education. Since the beginning of the decade, the government authorities had made basic education for all their objective. They had sought, inter alia, to extend obligatory schooling beyond the existing nine years. In some villages, for instance, steps were being taken to enable children to move on to the first three years of secondary schooling upon completion of primary school. The number of boarding schools to accommodate children from remote areas or who would be unable to attend school regularly if they lived with their families, was being increased. Teaching establishments had been set up, with social assistance, for hill-tribe children. Such children could also enrol in one of the primary schools administered by the border police.

7. A number of programmes had also been introduced to assist the children of poor families, providing them with free milk, school meals, uniforms or textbooks. Five hundred primary and secondary boarding schools had achieved financial autonomy by engaging in income-generating projects so that the children could earn a little money and thereby encourage their parents to allow them to attend school. Loans were also granted to pupils, particularly girls, who wished to continue their studies beyond the obligatory minimum period. The number of scholarships granted was increasing. The Ministry of Education had taken steps to ensure that, despite the economic crisis, the rights of children were not jeopardized. The right to education was embodied in the new Constitution. The aim of providing education for all was being pursued in partnership with NGOs and with the private sector. Meetings were being held throughout the country to disseminate information and generate discussion on a new education bill that was being drafted. It was expected that the bill would be submitted to the Office of the Prime Minister by the end of the year, after which it would be put to the vote in Parliament.

8. Replying to a question on the status of the Convention, Mr. ROUJANOVONG (Thailand) said that it could not be invoked before the courts but that it served as a basis for legislative reform and for rendering the implementation of legislation more effective. The new Constitution differed from the earlier one in that it provided that deadlines for the application of laws and procedures for the implementation of rights, with penalties for non-compliance, should be defined by organizational laws. A number of bodies, including the Human Rights Commission, the Constitutional Court, the ombudsman and NGOs, were responsible for monitoring and following up the implementation of the laws. NGOs were parties to the legislative work, particularly within the special committees of the House of Representatives. Following the adoption of the new Constitution, many laws (some 200) had to be amended or put to the vote.

9. Under the new Constitution and new laws, children were better protected against prostitution and the traffic in children and women. A monitoring committee had been set up, one third of whose members were NGO representatives, to ensure compliance with the legal provisions. On the subject of child labour, the minimum age for admission to employment had been raised from 13 to 15 years. A law on the laundering of money obtained from

sexual exploitation and drug trafficking was being drafted, as was a new law on child welfare. Measures had also been introduced to enable children who had been the victims of violence to testify without fear, out of sight of their aggressors (involvement of social workers, video recording, etc.). In matters relating to the treatment of young offenders, the authorities advocated a multidisciplinary approach involving the police, psychologists, social workers and other interested parties. The establishment of juvenile courts in regions where they did not exist was being hampered by lack of resources; however, every effort was being made to ensure that the Convention was implemented to the utmost extent permitted by the resources available.

10. Ms. CHUTIKUL said that some of the existing mechanisms for implementing the Convention had had their structures strengthened (such as the National Youth Bureau or the National Commission on the Status of Women) while others were being established. For example, a child protection unit was to be set up within the Police Department where officers could be trained in such areas as the questioning of children and investigation procedures. In parallel with the official structure, groups acted unofficially along the same lines, such as the unofficial "Majestic" group (which took its name from the hotel where it usually met) which had prompted the review of the Code of Penal Procedure in matters relating to the questioning of children, or the groups dealing respectively with witnesses under 15 years of age and the participation of child witnesses in preliminary investigations. In addition, with outside assistance, it had been possible to establish mechanisms such as, for instance, the Office of Social Welfare under the Bangkok Metropolitan Administration, to coordinate work in connection with violence against women and children, which was supported by UNICEF.

11. In connection with the question of the national ombudsman for children, the Constitution provided for a House Committee, consisting of three persons responsible for dealing with complaints regarding the country's infrastructures (water, electricity, etc.), which dealt with the administration on behalf of the general public. That body did not, however, deal specifically with matters relating to children. There was a National Commission for human rights as a whole, and particular responsibility for monitoring the implementation of the Convention would be assumed by a parliamentary commissioner for the rights of the child who was a member of the National Commission.

12. Mrs. KASHEMSANTA (Thailand) said that the Eighth National Economic and Social Development Plan (1997-2001) focused on human rather than economic development. It concentrated on strengthening capacities and on the participation of the population in the development process. The objective was primarily to improve the quality of existing services and to make them accessible to underprivileged groups. The National Child and Youth Development Plan had been drawn up in the context of the Eighth Plan, with the objective of promoting the development of children's capacities, creating an environment conducive to their blossoming, strengthening the multipartite system of administration and management and ensuring that all children had an equal opportunity for development. Numerous projects were under consideration in connection with the Plan, including the establishment of a child protection centre. Broadly speaking, all were encouraged to participate, including

students, NGOs, governmental organizations and volunteers who wished to become involved in protecting children; the National Youth Bureau urged them to work together in order to achieve maximum effectiveness.

13. Mrs. PICHITKUL (Thailand) supported what Mrs. Kashemsanta had said regarding the focus of the Eighth Plan, and drew attention to the fact that the Constitution did indeed refer to the Convention; one of its objectives emphasized the importance of respecting children's rights and, by permitting them to develop, satisfying their basic needs, while a second objective was related to improving their environment, particularly within the family.

14. Ms. CHUTIKUL (Thailand) said that the National Youth Bureau analysed the Eighth Plan in the light of the Convention and monitored the attainment of the objectives pursued. In that connection, recognition should be given to the considerable effort made by NGOs to implement the principles of the Convention at the local level. On the subject of the reservations entered to articles 7 and 22 of the Convention, progress had been made in the matter of granting nationality. For instance, the discrimination inherent in not granting Thai nationality to the child of a Thai mother and foreign father had been removed and, on several occasions, the Government had granted Thai nationality to a number of foreign children living on the national territory. However, on account of the difficult economic situation, it was not currently possible to grant Thai nationality to the children of illegal immigrants, a category which included displaced persons and asylum seekers. They could, however, obtain a birth certificate if they were born in Thailand. At all events, the State party intended ultimately to withdraw that reservation; the matter was under study and the assistance of UNHCR in the matter would be welcome.

15. Mr. GARNJANA-GOONCHORN (Thailand) said that the question of granting Thai nationality to refugees was a sensitive one which called for a pragmatic solution. Although public opinion had gradually become used to the idea of granting such people Thai nationality, the political will to take the legal steps to do so did not yet exist.

16. Ms. CHUTIKUL (Thailand) said that, under the law, children without birth certificates (nomads, displaced persons, etc.) were granted access to basic services (education, health, etc.) largely through the involvement of NGOs, and that she had personally fought to keep that law on the statute book. Replying to the question concerning corruption, she said that a national committee to combat corruption would shortly become operational. The committee, which would liaise with Parliament while remaining independent, would be responsible for conducting inquiries into all irregularities brought to its attention. She emphasized the importance of collaboration with other institutions and particularly the involvement of civil society, given the prevalence of corruption. She emphasized her Government's determination to deal with that plague.

17. Mr. ROUJANAVONG (Thailand) said that, while Thai legislation imposed stiff sentences on persons found guilty of corruption, the absence of a monitoring mechanism meant that it was not applied in practice. The new Constitution provided that high-ranking office holders could be impeached for corruption on the vote of one third of the members of Parliament (or a petition bearing 50,000 signatures). Many acts of corruption in the upper

echelons of the civil service could be prevented if an independent monitoring mechanism were established. The media, which was henceforth free, also had a part to play in such matters.

18. Mrs. MBOI said that her question regarding corruption had referred to ordinary civil servants. She wondered how honest and efficient they were, given their low income and the increase in the cost of living. It would also be useful to know whether steps had been taken to provide financial assistance to NGOs defending the rights of the child. The Civil and Commercial Code prohibited the filing of either civil or criminal cases against parents, or paternal and maternal grandparents. However, such action could be taken at the request of the child or somebody close to him by the public prosecutor. Did such situations occur in practice?

19. The written reply to the question in paragraph 24 of the list of issues provided information on the steps taken by the Office of Social Welfare of the Bangkok Metropolitan Administration in cases of domestic violence against children but made no mention of activities in other areas of the country. It would be useful also to have further information on the draft National Ombudsman provided for by the new Constitution. She welcomed the fact that only 10 per cent of adoptions in Thailand were international and said she wondered whether the steps that had been taken were sufficient to ensure that emigrant children were not sexually exploited. It would be helpful to have more detailed information on the current situation in that area. She urged the Government of Thailand to accede to the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

20. Mr. KOLOSOV said he had the impression that different texts interpreted the word "child" in different ways, which did not always correspond to the sense employed in the Constitution in which "a child means every human being below the age of 18 years". He recommended that the Government should employ exclusively the definition contained in the Convention in drafting the new Child Welfare and Protection Act and that children should be treated as genuine subjects of law and not merely as beneficiaries of social protection.

21. Mrs. PALME asked whether the Government of Thailand intended to raise the age of criminal liability from its current level of seven years, and whether it intended to accede to ILO Convention No. 138 concerning the minimum age for admission to employment. She likewise considered that the minimum age of marriage of 17 years not high enough and she was worried about the dangers to which girls were exposed by the frequent practice of polygamy in Thailand. She was concerned that girls, were in practice, subjected to discriminatory treatment and asked whether effective measures were being taken to combat that phenomenon. She hoped that the plan of action that had been adopted to combat sexual exploitation for commercial purposes had proved effective. Lastly, rapid urbanization had seemingly created a high level of pollution and it appeared that the management of waste, which was so harmful to pregnant women and children, had not been organized.

22. Mrs. OUEDRAOGO requested further information on the status of the Convention in Thailand (dissemination, translation, teaching of child rights). It was desirable that a specific age should be established for the enrolment of children in primary school so as to preclude any imbalance between rural

and urban areas. What justification was given for early marriages and what results had been achieved by the numerous campaigns that had been mounted to promote women's rights? She would welcome more comprehensive information on the situation of hill-tribe children and on that of children who had been abandoned. Lastly, she was concerned by the absence of follow-up in after adoption.

23. Mr. RABAH inquired about the situation of Muslim children where adoption was concerned. He also wished to know at what age children could testify in court and what mechanisms had been introduced for the protection of the institutionalized children of parents who were separated or divorced and those who had been born out of wedlock. He would welcome further information on the work of local NGOs dealing with children. Lastly, he wished to know whether administrative decisions were always taken on the basis of the best interests of the child?

24. Mrs. KARP congratulated the State party on its determination to combat corruption which was a cancer of democracy. She asked whether it was proposed to bring together all the legal texts relating to children within a single code which would contain all the principles of the Convention. It was particularly important to embody in legislation the explicit obligation on judges and administrative personnel to take the views of the children into account in all procedures affecting them and to act in their best interests. The disparities in the ages set down in defining the child and the adolescent must be removed, thereby facilitating the collection of data on the situation of children and on the effective implementation of their rights. In that connection, she welcomed the information contained in the written replies to the effect that Thailand was drawing up new indicators that complied with the Convention and that it planned to establish a single unit specifically for the purpose of gathering data in that sphere. It would be interesting to know whether the planned system would be relevant to all articles of the Convention and whether it was deemed necessary to seek outside technical assistance, from the Office of the High Commissioner for Human Rights, for instance. She wondered why the age of criminal liability was so low when children between 7 and 14 years of age could not be convicted on a criminal charge. Why not establish an alternative to the general penal system, specifically for children? Since young children could not be considered to be real criminals, it would be easy to establish such a system which would protect them from the stigmatization attached to the criminal justice system. It was also surprising that children were protected by the special justice system for minors only up to 17 years of age. The spirit of the Convention required that all children under 18 years of age should be protected by a special penal procedure system. It appeared that children could readily consult a doctor without the consent of their parents, but it was not clear whether they were really informed of that right and of the services available to them. Could adolescents seek consultation on sexual matters without their parents being informed? With regard to early marriage, she asked whether judges were required to ascertain the maturity of the future bride and whether they were able to resist the pressures of tradition and from parents and consider solely the best interests of the child. With regard to discrimination, it was not apparent whether all poor children had access to free boarding schools or free secondary education. Moreover, a degree of discrimination appeared to exist against children born out of wedlock within a section of the population. Were

the recommendations mentioned in the report being implemented? Discrimination also appeared to exist between children who lived in a region where there was a family court and those who lived in regions where no such court existed. In the latter case, children were treated as adults. Until such time as appropriate courts could be established throughout the country, would it not be possible to instruct ordinary courts not to treat young people as adults? Such children suffered an injustice simply because the Government had failed to fulfil its obligations in their regard. The attitude of parents, teachers and institutions in connection with corporal punishment, which was still widespread, might be changed by launching a public campaign. Corporal punishment should be explicitly prohibited by law in order to make the authorities and the general public realize that it constituted an affront to the human dignity of the child and violated the provisions of the Convention. Unless such legislation was introduced; no progress could be made in that area. More information was needed on the infrastructures and human resources available for implementing the very good legislation that was being planned, for instance, regarding the amendment of the rules of evidence and in regard to the protection of children in court and during investigations. A member of the delegation had stated that a great deal could be achieved without budgetary resources. In fact, however, it was difficult to see how the needs of particular categories, for instance children with special needs, could be met without the necessary funding. Legislation should explicitly state the obligation to provide any child involved in judicial or administrative proceedings, with an opportunity to be heard and should establish the corresponding infrastructures. The number of divorces appeared to be steadily increasing. When couples divorced on friendly terms, in which case a judge was not required to intervene, she wished to know what provisions existed to ensure that the best interests of the child were taken into account. Were an adequate budget and staff assured for the child protection body that was to be established?

25. Mrs. MOKHUANE said she thought that, to improve the access of adolescents to socio-psychological consultation services, it would be useful to set up health units in the schools where they could talk about their problems unbeknown to their parents. She had been rather concerned to note from the report that, among the many measures introduced to encourage the enrolment and retention of children in school, was one giving parents the material incentive of extra family income. That was not, she thought, a good idea; a child should be regarded for what he was and not as a source of material gratification. Being a parent involved certain responsibilities and certain hazards, which it was inappropriate that the State should assume. Encouraging parents to have lots of children on the assumption that the State would look after them was an unhealthy attitude. What guarantees were there that the best interests of the child would be a prime consideration in the school, the court and the family?

26. Mrs. PALME said she wished to know whether Thailand was prepared to sign the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. She wondered why Thai children did not usually join clubs or associations. She endorsed Mrs. Karp's comments with regard to corporal punishment. She congratulated the State party on the rapid reduction in the infant mortality rate, largely as a result of vaccination. It appeared, however, that more could be done to integrate disabled children

into ordinary schools and to combat traditions and prejudices in that area. In connection with what Mrs. Mokhuane had just said, she commented that the relationship between the welfare State and a high birth rate was not confirmed in her own country where the birth rate was abnormally low despite a highly developed social security system.

27. Mrs. KARP said she noted that the reply given by the delegation in connection with the reservations to articles 7 and 22 of the Convention was the same as that contained in the report and in the written replies. Thailand had ratified the International Covenant on Civil and Political Rights subsequent to the Convention but, despite the fact that the Covenant contained similar provisions, Thailand had entered no reservations in its regard. She thought therefore that, in the spirit of the Vienna Declaration and Programme of Action, Thailand should abide by the latter attitude and withdraw its reservations to the Convention. The question of refugees and of the definition of refugees was separate from that of granting nationality. In the spirit of the Convention, stateless children should automatically be granted a nationality. It would be much easier for the Thai Government to reappraise its reservations if it did not link that issue with the refugee question.

28. Mr. KOLOSOV said that the reply to the second paragraph of the list of issues stated that the Thai Constitution of 1997 guaranteed a broad range of rights, liberty and equality to every Thai citizen. The Convention, however, applied to all children under the jurisdiction of the State party. How could Thailand prove, then, that non-nationals enjoyed the same civil rights and freedoms as nationals? He agreed with Mrs. Karp that the status of refugees and the question of nationality were two separate issues. The important thing was that every newborn infant should have a nationality. The Government should consider introducing legislation to remove the statelessness of children of non-Thai and stateless origin.

29. Mrs. PALME asked the young people accompanying the delegation if and how they had been informed about HIV/AIDS.

30. Mrs. MBOI also addressed the young members of the delegation to enquire about their reaction to the wave of pornography flooding the media and asked whether they felt they needed protection against that phenomenon or whether they thought that they were already protected. She also wished to know whether the Government of Thailand was concerned about the breakdown of family life, leading to an increase in the number of children born out of wedlock and in the number of women raising their children alone. Did it intend to continue the previous campaigns to strengthen the family?

31. Mr. RABAH asked the young members of the delegation how they spent their spare time, whether they watched television or played computer games, for example, and who took part with them in their leisure activities.

32. Mrs. PALME was concerned about what became of children who were separated from their parents, for instance, when the latter were imprisoned. It appeared that no possibility existed for such children to see their parents, and that was contrary to the Convention.

The meeting rose at 5.55 p.m.